



Department of Defense **DIRECTIVE**

June 14, 1985
NUMBER 5105.42

USD (P)

SUBJECT: Defense Investigative Service

References: (a) DoD Directive 5105.42, "Defense Investigative Service
(DIS), " July 19, 1978 (hereby canceled)
(b) Title 10, United States Code
(c) DoD Directive 5200.27, "**Acquisition** of Information
Concerning Persons and Organizations not Affiliated
with the Department of De fense, " January 7, 1980
(d) through (j), see enclosure 1

A. REISSUANCE AND PURPOSE

This Directive reissues reference (a) and, pursuant to the authority vested in the Secretary of Defense under reference (b) , assigns direction, authority, and control over the Defense Investigative Service (D IS) to the Deputy Under Secretary of Defense for Policy (**DUSD(P)**), and prescribes the organization and management, functions, responsibilities> **relationships**, and authorities described below.

B. APPLICABILITY

This Directive applies to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, and the Defense Agencies (hereafter referred to collectively as " DoD Components ").

c. ORGANIZATION AND MANAGEMENT

1. The **DIS** is a separate agency of the Department of Defense under the direction, authority, and control of the **DUSD(P)**.

2. The **DIS** shall consist of a Director, appointed by the Secretary of Defense, a management headquarters; a Defense Industrial Security Clearance Off ice (DISCO); a Personnel Investigations Center (**PIC**); a Defense Security Institute; and such subordinate units and field activities as are established by the Director, **DIS**, or as assigned to the **DIS** by the Secretary of Defense. Subordinate units and field activities may be located overseas in support of the industrial security mission.

3. The **DIS** shall be authorized such personnel, facilities, funds, and other administrative support as the Secretary of Defense deems necessary.

4. **Military** personnel may be assigned to the **DIS** from the Military Departments in accordance with approved authorizations and established procedures for assignment to joint duty.

D. FUNCTIONS

The **DIS** is a law enforcement, personnel security investigative, and industrial security agency and shall:

1. Provide a single, centrally directed personnel security investigative service to conduct personnel security investigations for DoD Components within the United States and its Trust Territories and, when authorized by the **DUSD(P)**, for other U.S. Government departments and agencies. The DIS shall request the Military Departments, or when appropriate other U.S. Government activities, to accomplish investigative requirements assigned to it in other geographic areas.

2. Operate a consolidated Personnel Security Investigations Center in accordance with DoD Directive **5200.27** (reference (c)).

3. Manage the Defense Central Index of Investigations.

4. Administer the Defense Industrial Security Program (**DISP**) under DoD 5220.22-R (reference (d)).

5. Operate the DISCO as a consolidated central facility to process industrial personnel security clearances.

6. Administer the Defense Industrial Facilities Protection Program (**DIFPP**) under DoD Directive 5160.54 (reference (e)).

7. Provide inspection policy and procedures essential to assess DoD contractor compliance with DoD physical security requirements for the protection of sensitive conventional arms, ammunition and explosives (**AA&E**) under DoD Instruction 5220.30 (reference (f)).

8. As authorized by the **DUSD(P)** and under DoD Directive 5225.5 (reference (g)), provide support for law enforcement investigations involving DoD personnel, facilities, or contractors conducted by authorized investigative agencies of the Military Departments, Inspector General, Department of Defense (**IG, DoD**), the Federal Bureau of Investigation, or other Federal investigative agencies.

9. Conduct investigations of unauthorized disclosure of classified information not under the jurisdiction of the Military Departments and other investigations as the **DUSD(P)** may direct.

10. Review criminal history record information at police local, state, or Federal law enforcement agencies; and related record repositories, as required.

11. Conduct surveys and prepare analyses and estimates of managed programs.

12. Provide administrative and computer support to the Defense Integrated Management Information System (**DIMIS**).

13. Maintain an official seal and attest to the authenticity of official DIS records under that seal.

E. RESPONSIBILITIES

1. The Director, Defense Investigative Service, shall:
 - a. Organize, direct, and manage the **DIS** and all assigned resources.
 - b. Establish standards and procedures for certification and accreditation of DIS personnel assigned to perform investigative and industrial security duties.
 - c. Provide for industrial security and personnel security investigative training for DIS personnel and information and industrial security training for DoD and other U.S. Government personnel, employees of U.S. Government contractors, and selected foreign governments."
 - d. Program, budget, account for, and report the activities of the DIS in accordance with the policies and procedures established by the Secretary of Defense.
 - e. Refer to the appropriate civilian and military investigative agency matters developed as a result of **DIS** investigations that involve alleged criminal misconduct or have a significant intelligence or counterintelligence aspect.
 - f* Under normal circumstances, refer alleged criminal activity by **DIS** personnel to the Office of the Assistant Inspector General for Investigations (**OAIG-INV**), DoD who shall make referral to the Department of Justice (**DoJ**). If the **OAIG-INV** or DoJ decline investigative jurisdiction, the Director shall assign **DIS** personnel to conduct an investigation and determine appropriate administrative action to be taken.
 - g. Administer the **DISP**, **DIFPP**, and the AA&E Programs.
 - h. Develop, publish, and implement procedures under the policy guidance and general supervision of the **DUSD(P)** with respect to the **DISP**, **DIFPP**, and AA&E Programs.
 - i. Arrange, conduct, and participate in meetings, seminars, and conferences between industry, industrial and professional associations, international organizations, foreign governments, and the Department of Defense and other U.S. Government agencies concerning all aspects of industrial security.
 - j. Administer the Security Classification Management Program in industry under **E.O. 10865** and **E.O. 12356** (references (h) and (i)), including promulgation of policy, regulatory provisions, educational requirements, and resolution of problems.
 - k. Under the general supervision and approval of the **DUSD(P)**, prepare and publish Industrial Security Letters and Industrial Security Bulletins.
 1. Obtain reports, information advice, and assistance, consistent with DoD Directive 5000.19 (reference (j)), as may be **necessary** for the performance of assigned functions and responsibilities.

m. Ensure that all allegations of wrongdoing directed against DIS employees are promptly and thoroughly reviewed, evaluated, and processed in accordance with Office of Personnel Management (OPM), DoD, and DIS regulations, instructions, directives and where applicable, Federal statutes.

2. The Heads of DoD Components shall cooperate with and assist the Director, DIS, by providing access to information within their respective fields as required for the DIS to carry out functions assigned by this Directive.

3. The Secretaries of the Military Departments shall ensure that the overseas military investigative agencies provide prompt responses to **DIS** personnel security lead requests in order to expedite personnel security investigative matters within the DIS.

F. RELATIONSHIPS

The Director, **DIS**, shall carry out the above responsibilities under the direction, authority and control of the **DUSD(P)** and shall:

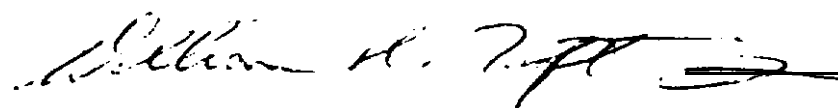
1. Maintain liaison with other DoD Components, law enforcement agencies, industry, professional associations, academies, international organizations, foreign governments, and other agencies for the exchange of information in the field of assigned responsibility and shall render assistance, as appropriate, within the limits of established policy.

2. Maintain a close working relationship with industrial representatives to encourage industry participation and cooperation in the **furtherance** of the **DISP**.

3. Use existing DoD facilities and services whenever practical to achieve maximum efficiency.

G. EFFECTIVE DATE

This Directive is effective immediately.



William H. Taft, IV
Deputy Secretary of Defense

Enclosures - 2

1. References
2. Delegations of Authority

REFERENCES, continued

- (d) DoD 5220.22-R, "Industrial Security Regulation," February 1984, authorized by DoD Directive **5220.22**, December 8, 1980
- (e) DoD Directive 5160.54, "Industrial Facilities Protection Program - DoD Key Facilities List," June 23, 1977
- (f) DoD Instruction 5220.30, "Physical Security of Sensitive Conventional Arms, Ammunition and Explosives at Contractor Facilities," August **11**, 1983
- (g) DoD Directive 5525.5, "DoD Cooperation with Civilian Law Enforcement Officials," March 22, 1982
- (h) Executive Order 10865, "Safeguarding Classified Information Within **Industry**," February 20, 1960, as amended by Executive Order 10909, January 17, 1961
- (i) Executive Order 12356, "**National** Security Information," April 2, 1982
- (j) DoD Directive 5000.19, "Policies for the Management and Control of Information Requirements," March 12, 1976

DELEGATIONS OF AUTHORITY

The Director, DIS, or in the absence of the Director, a person acting for the Director, is hereby delegated, subject to the direction, authority, and control of the **DUSD(P)**, and in accordance with DoD policies, directives, and instructions, and pertinent publications, authority as required in the administration and operation of the DIS to:

1. In accordance with 5 **U.S.C. §** 302 and 3101, employ, direct, and administer **DIS** civilian personnel.

2. Fix rates of pay for wage board employees exempt from 5 **U.S.C.** Chapter 51, on the basis of rates established under the Coordinated Federal Wage System. In fixing those rates, the wage schedules established by DoD Wage Fixing Authority shall be followed.

3. Establish advisory committees and part-time advisors for the performance of DIS functions pursuant to 10 **U.S.C. §** 173, and to hire experts and consultants under 5 **U.S.C. §** 3109(b), and the agreement between the DoD and the Office of Personnel Management on employment of experts and consultants, June 21, 1977.

4. Administer oaths of office incident to entrance into the Executive Branch of the Federal government or any other oath required by law in connection with employment therein, in accordance with 5 **U.S.C. §** 2903(b), and to designate in writing other officers and employees of the DIS to perform this function or to administer oaths incident to any investigation conducted by the DIS.

5* Establish a DIS Incentive Awards Board and pay cash awards to, and incur necessary expenses for, the honorary recognition of **civilian** employees of the government whose suggestions, inventions, superior accomplishments, or other personal efforts, including special acts or services, benefit or affect the DIS or its subordinate activities in accordance with 5 **U.S.C. §** 4503, and Office of Personnel Management regulations.

6. Perform the following functions in accordance with 5 **U.S.C. §** 7532; Executive Order 10450, April 27, 1953; and DoD 5200.2-R, February 1984.

a. Designate the security sensitivity of positions within the DIS.

b. Authorize, in the case of an emergency, the appointment of a person to a sensitive position in the DIS for a limited period of time for whom a full field investigation or other appropriate investigation, including the National Agency Check, has not been completed.

c. Authorize the suspension and, when authorized by the **DUSD(P)**, terminate the services of a DIS employee in the interests of national security.

7. Clear **DIS** personnel and such other individuals as may be appropriate for access to classified DoD material and information in accordance with the provisions of DoD 5200.2-R. As an exception, the personnel security investigation of individuals who are incumbents of, or are proposed for, Senior Executive Service positions within the **DIS** as Director, Deputy Director

(Investigations), or Deputy Director (Industrial Security), shall be conducted by a **non-DIS** investigative agency designated by the **DUSD(P)**. Similarly, the results of such investigations shall be adjudicated by a **non-DIS** authority designated by the **DUSD(P)**.

8. Act as an agent for the collection and payment of employment taxes imposed by Chapter 21 of the Internal Revenue Code of 1954, and, as such agent, make all determinations and certifications required or provided under 26 **U.S.C. § 3122** and 42 **U.S.C. § 405(P)(1)** and (2), with respect to DIS personnel.

9. Authorize and approve overtime work for DIS personnel in accordance with the provisions of Section 550.111 of the OPM Regulations.

10. Authorize and approve:

a. Travel for DIS personnel in accordance with the Joint Travel Regulations (**JTR**), Volume 2, Department of Defense civilian personnel.

b. Temporary duty travel for military personnel assigned or detailed to the DIS in accordance with JTR, Volume 1, Members of the Uniformed Services.

c. Invitational travel to persons serving without compensation whose consultative, advisory, or highly specialized technical services are required in a capacity that is directly related to, or in connection with, **DIS** activities, pursuant to 5 **U.S.C. § 5703**.

11. Approve the expenditure of funds available for travel by **military** personnel assigned or detailed to **DIS** for expenses incident to **attendance at** meetings of technical, scientific, professional or other similar organizations in such instances where the approval of the Secretary of Defense -or his designee is required by law (37 **U.S.C. § 412**, 5 **U.S.C. § 4110** and §4111). This authority cannot be redelegate.

12. Develop, establish, and maintain an active and continuing Records Management Program under 44 **U.S.C. § 3102** and DoD Directive **5015.2**, September 17, 1980.

13. Enter into and administer contracts, directly or through a DoD Component, or other Government department or agency, as appropriate, for supplies, equipment, and services required to accomplish the mission of the DIS. To the extent that any law or Executive Order specifically limits the exercise of such authority to persons at the secretarial level or a Military Department, such authority will be exercised by the Assistant Secretary of Defense (Manpower, Installations, and Logistics).

14. Establish and use imprest funds for making small purchases of material and services, other than personal, for the **DIS** when it is determined it is more advantageous and consistent with the best interests of the government, in accordance with the provisions of DoD Instruction 5100.71, March 5, 1973.

15. Authorize the publication of advertisements, notices, or proposals in public periodicals as required for the effective administration and operations of the **DIS** pursuant to 44 **U.S.C. § 3702**.

16. Establish and maintain appropriate property accounts for DIS. Appoint Boards of Survey, approve reports of survey, relieve personal liability, and drop accountability for DIS property contained in the authorized property accounts that has been lost, damaged, stolen, destroyed, or otherwise rendered unserviceable, in accordance with applicable laws and regulations.

17. Promulgate the necessary security regulations for the protection of property and activities under the jurisdiction of the Director, **DIS**, pursuant to DoD Directive 5200.8, July 29, 1980.

18. Develop and maintain DoD publications and changes thereto, consistent with DoD 5025.1-M, April 1981.

19. Enter into support and service agreements with the Military Departments, other DoD Components, or other Government agencies as required for the effective performance of responsibilities and functions assigned to the DIS.

20. Issue appropriate implementing documents and establish internal " procedures to ensure that the selection and acquisition of automated data processing resources are conducted in accordance with DoD Directive 7920.1, October 17, 1978; the Federal Property Management regulations; and the Federal Acquisition Regulation.

The Director, **DIS**, may redelegate these authorities, as appropriate, and in writing, except as otherwise specifically indicated above or as otherwise provided by law or regulation.